

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	09/851,452	CHIU ET AL.
	Examiner Hashem Farrokh	Art Unit 2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 4/15/05.
2.  The allowed claim(s) is/are 1,2,5-21,23,24 and 27-33.
3.  The drawings filed on 07 September 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

***Examiner's Amendment***

The Examiner initiated a telephone interview with the Applicant's representative (Mr. Jason S. Feldmar 39,187) on June 9, 2005. The examiner informed the Applicant's representative that the claim 23 does not include a tangible memory medium for storage and claims 24-33 have some minor error that need to be corrected. In addition, the Examiner informed the Applicant's representative that the specification (page 2) lacks the referenced Patent Application information. The Examiner inquired whether the Applicant would be willing to amend the claims and the spec to resolve these issues. The Applicant agreed to the above proposal and authorized the Examiner to make an Examiner's amendment to correct the problems. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

1. The application has been amended as follows:

**Specification**

Spec:

Line 9, replace "xx/xxx,xxx, filed on the same date" with --09/851,468 filed on May 7, 2001 now Patent No. 6,587,921 issued on July 1, 2003--

Line 13, replace "xx/xxx,xxx, filed on the same date" with --09/851,014 filed on May 7, 2001 now Patent No. 6,675,264 issued on July 6, 2004--

***Claims***

***Claim 23:***

*Line , replace “embodying” with --including a computer readable storage medium that tangibly embodies--*

***Claim 24:***

*Line 1, replace “23” with --of claim 23--*

***Claim 25:***

*Line 1, replace “23” with -- of claim 23--*

***Claim 27:***

*Line 1, replace “23” with -- of claim 23--*

***Claim 28:***

*Line 1, replace “23” with -- of claim 23--*

***Claim 29:***

*Line 1, replace “23” with -- of claim 23--*

***Claim 30:***

*Line 1, replace “23” with -- of claim 23--*

***Claim 31:***

*Line 1, replace “23” with -- of claim 23--*

***Claim 32:***

*Line 1, replace “23” with -- of claim 23--*

***Claim 33:***

*Line 1, replace “23” with -- of claim 23--*

This Office Action is in response to the Applicant's Remarks dated April 15, 2005. Claims 1, 12, 13, and 23 have been amended; claims 3-4, 22, and 25-26 has been canceled; and no new claims have been added.

**PART I** THE EXAMINER'S EVALUATION OF THE APPLICATION

**SECTION A** RELAVANT ART CITED BY THE EXAMINER

1. U. S. Patent No. 6,609,213 B1 to Nguyen describes cluster-based system and method of recovery from server failures.
2. U. S. Patent No. 6,178,519 B1 to Tucker describes cluster-wide database system.
3. U. S. Patent No. 5,926,180 to Shimamura describes browsing unit and storage medium recording a browsing program thereon.
4. U. S. Patent Publication No. 2002/0133537 A1 to Lau et al. describes server cluster and server-side cooperative catching method.

**SECTION B** DISTINGUISHING FEATURES RECITED IN THE CLAIMS

The following is an Examiner's Statement of Reasons for Allowance See **MPEP 1302.14**

5. The primary reasons for allowance of claims 1-2 and 5-11 in the instant application is the combination with the inclusion of the following limitations: the historic point of access list identifies which node's cache contains which data; the

historic point of access list indicates that data is not currently in cache of any node of storage cluster; the secondary node selected is any node in the storage cluster.

6. The primary reasons for allowance of claims 12-21 in the instant application is the combination with the inclusion of the following limitations: a new node configured to: apply for cluster admission; request the symbolic information for new write request; request a modified track list comprising an identifier of modified data and an associated symbolic entry.

7. The primary reasons for allowance of claims 23-24 and 27-33 in the instant application is the combination with the inclusion of the following limitations: the historic point of access list identifies which node's cache contains which data; the historic point of access indicates that an original primary node maintains the data in cache; and the secondary node selected is the original primary node.

The prior art of record including the disclosures of Nguyen (6,609,213 B1), Tucker (6,178,519 B1), Shimamura (5,926,180), and Lau et al. (2002/0133537 A1), neither anticipates nor renders obvious the above recited combination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays should be clearly labeled "Comments on Statement of Reasons for Allowance"

**PART II**

**THE ATTENTION OF FUTURE CORRESPONDENT**

Any inquiry concerning this communication should be directed to Hashem Farrokh whose telephone number is (571) 272-4193. The examiner can normally be reached Monday-Friday from **8:00 AM to 5:00 PM**.

**:IMPORTANT NOTE:**

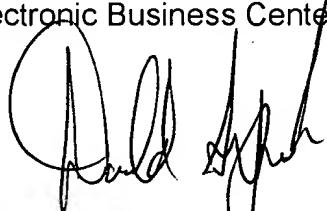
If attempt to reach the above noted Examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Donald A Sparks, can be reached on (571) 272-4201.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBS) at 866-217-9197 (toll-free).

*HF*

HF

2005-06-05



**DONALD SPARKS**  
**SUPERVISORY PATENT EXAMINER**